

6673
DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-161952

DATE: June 12, 1978

MATTER OF: Attorneys - Court Admission Fees

DIGEST: Costs of fees for admission to practice before a Federal court incurred by attorneys employed by a Government agency may not be reimbursed from appropriated funds. Privilege of practicing before a particular court is one personal to the attorney and is in the nature of an expense necessary to qualify for the performance of official duties. 47 Comp. Gen. 116 (1967) is sustained.

This decision is in response to a request by the General Counsel, National Labor Relations Board (NLRB), for reconsideration of our decision in 47 Comp. Gen. 116 (1967). That decision denied reimbursement to a NLRB attorney of the fee he had paid in order to practice before the United States Court of Appeals for the Tenth Circuit. We reasoned that the privilege to practice before a particular court is personal to the individual, normally is his for life, and is a matter of further qualifying himself to represent the Government before the Federal courts.


In asking for reconsideration the General Counsel believes it is particularly unfair to require Government attorneys to pay their own fees in view of the lack of control they have in being required to appear in a particular court which requires the fee payment. The General Counsel contrasts this with private practice where, he reports, attorneys are reimbursed ultimately by their clients. The General Counsel believes that the subject court admissions are of very limited value to an attorney after leaving the Board, and therefore should be viewed as primarily for the Government's benefit. Further, he believes that it is unfair to characterize admission fees as nominal when it is possible for an Appellate Court Branch attorney to incur out-of-pocket admission fee expenses approaching \$200 within a three-year period.

The controlling consideration which required this Office to reject reimbursement of admission fees which the Federal courts require to be paid by attorneys was that an employee bears the duty of qualifying himself for the performance of his official duties. These fees are considered to be nominal in amount and seem clearly

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designed to defray the various administrative costs of processing an attorney's application and issuing the desired certification. Although we recognize that the cumulative effect of an attorney seeking admission to all the various Federal courts would result in a larger expense, we do not believe that fact should alter the long-standing principle that where a Federal employee must secure permits or licenses to perform the duties of his position it is a matter of personal qualification and as such not reimbursable. 3 Comp. Gen. 663, 665 (1924); 6 Comp. Gen. 432 (1926) and 31 Comp. Gen. 81 (1951). Further, it is clear that an attorney's admission to practice before a particular court upon application and fee payment is personal in nature and vests in him as an individual and not in the Government, and generally remains with him for life. Therefore, it does not seem unreasonable to expect an attorney to bear this particular expense.

Therefore, we must affirm our conclusion that the privilege of practicing before a particular court is one personal to the attorney and may not be reimbursed by his employing agency.


Acting Comptroller General
of the United States